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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,271	09/01/2000	HIROYUKI YAMAMOTO	106851	7073

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EXAMINER

PARK, CHAN S

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/654,271

Applicant(s)

YAMAMOTO, HIROYUKI

Examiner

CHAN S PARK

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment was received on 9/27/04, and has been entered and made of record. Currently, **claims 1-33** are pending.

### ***Response to Arguments***

2. Applicant's arguments, see pages 5-8, filed 9/27/04, with respect to the rejection of claims 1-33 under 35 U.S.C. § 103(a) as being unpatentable over FAX 2000L Operator's Manual have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Criss et al. U.S. Patent No. 6,308,061 (hereinafter Criss) and Usui et al. U.S. Patent No. 6,075,570 (hereinafter Usui).

### ***Specification***

3. The corrected or substitute specification was received on 9/27/04. The specification is acceptable.

### ***Drawings***

4. The corrected or substitute drawings are received on 9/27/04. The drawings are acceptable.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Particularly, the independent claims 1 and 12 recite the limitations “an independent operating device that works independently of the control device” and “an input/output monitor that works independently of the control device”. Examiner finds that the words “independent” and “independently” are not clear to particularly point out the subject matter which the applicant regards as his/her invention. If the operating device is indeed independent, it is uncertain as to why the control device must be switched from the sleep condition to active condition to adjust the clock device in the operating device (claims 2 and 3). If it is independent, can the operating device adjust the clock device independently? Or is the applicant claiming that the control device must be in the active condition to adjust the clock? Further, it is unclear as to what kind of an operation is executed by the control device (lines 11-12 in claim 1)? Is the adjustment device a part of the control device (line 16)? If the control device adjusts the current time in the operating device, can it still be concluded that the operating device “works independently” of the control device? -

For examining purpose, Examiner interprets that the operating device as a device can only be adjusted when the control device is in active the condition.

The same argument is applied to the Specification. Appropriate corrections or explanations are respectfully requested.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Criss in view of Usui.

6. With respect to claim 1, Criss discloses an information processor (fig. 17), comprising:

a control device (processor 40) that calculates various kinds of data and controls the information processor;

an independent operating device (clock 500) that works independently of the control device (col. 23, lines 67-68);

an operational condition switching device that switches the control device to a sleep condition or an active condition, according to predetermined conditions (col. 23, lines 46-54 & col. 26, lines 1-25);

an adjustment device that adjusts an operational condition related to the independent operating device, at a predetermined adjustment time, as an operation executed by the control device (col. 24, lines 18-22); and

a condition input device that inputs a recovery condition to the operational condition switching device, so as to switch the control device from the sleep condition to the active condition, when the control device executes a schedule update/adjustment task of the system by inquiring and receiving necessary data (adjustment information) from an external source (col. 23, lines 46-54 & col. 26, lines 1-25).

Criss, however, does not disclose expressly that the data received from an external source is or can be the data for adjusting the operational condition related to the independent operating device.

Usui, the same field of endeavor of the updating the information processor, discloses an information processor (EPG system) comprising an adjustment device for adjusting a clock according to a daylight saving time correction data, wherein the correction data is received from an external source (relay base station in col. 17, line 60 – col. 18, line 10).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the method for receiving the daylight saving time correction data from an external source of Usui with the method for updating/adjusting the system with the data received from an external source at a predetermined time of Criss.

The suggestion/motivation for doing so would have been to receive the daylight saving time correction data from an external source and to awake the information processor from the sleep mode to exchange the information needed to obtain the correction data (col. 26, lines 23-25 of Criss).

Therefore, it would have been obvious to combine Criss with Usui to obtain the invention as specified in claim 1.

7. With respect to claim 2, the combination of Criss and Usui (hereinafter combination) discloses the information processor according to claim 1, wherein the independent operating device includes a clock device that counts a current time independently of the control device;

the adjustment device adjusts the current time counted by the clock device, at the predetermined adjustment time (scheduling table in fig. 21 of Criss); and

the condition input device inputs the recovery condition to the operation condition switching device, so as to switch the control device from the sleep condition to the active condition, when the current time counted by the clock device measures the predetermined adjustment time or at a predetermined time before the predetermined adjustment time (col. 26, lines 13-25 of Criss and col. 17, line 60 – col. 18, line 10 of Usui).

8. With respect to claim 3, the combination discloses the information processor according to claim 1, wherein the independent operating device includes a clock device that counts a current time independently of the control device;

the information processor includes a time correction mode in which a predetermined correction processing is performed for the current time counted by the clock device, to output the current time, when the control device is in the active condition (S675 in fig. 21 of Criss);

the adjustment device adjusts the time correction mode setting of on or off, at the predetermined adjustment time (scheduling table in fig. 21); and

the condition input device inputs the recovery condition to the operational condition switching device, so as to switch the control device from the sleep condition to the active condition, when the current time counted by the clock device measures the predetermined adjustment time or at a predetermined time before the predetermined adjustment time (col. 26, lines 13-25 of Criss and col. 17, line 60 – col. 18, line 10 of Usui).

9. With respect to claim 4, the combination discloses the information processor according to claim 1, wherein the control device includes a display function for displaying the current time in the active condition (display in fig. 17 and col. 24, lines 23-26 of Criss).

10. With respect to claim 5, the combination discloses the information processor according to claim 1, wherein after a certain time has elapsed since the condition input device inputs the recovery condition to the operational condition switching device, the condition input device inputs a resume condition to the operational condition switching device so as to switch the control device to the sleep condition from the active condition (col. 27, lines 23-27 of Criss and col. 7, lines 32-37 of Usui). The suggestion/motivation for doing so would have been to automatically put the system into the sleep condition when a certain period of time has lapsed.

11. With respect to claim 6, the combination discloses the information processor according to claim 5, wherein the condition input device variably controls a time when



the recover condition or the resume condition is input, according to a user's setting (col. 7, lines 32-37 of Usui).

12. With respect to claim 7, the combination discloses the information processor according to claim 1, wherein the operational condition switching device switches the control device to the sleep condition from the active condition, as idleness in which the recovery condition to be input by the condition input device, or an external condition is not input, continues during a predetermined monitoring time (col. 27, lines 23-27 of Criss and col. 7, lines 32-37 of Usui).

13. With respect to claim 8, the combination discloses the information processor according to claim 7, wherein the operational condition switching device switches the control device to the active condition, due to the external condition input during the sleep condition (col. 26, lines 13-25).

14. With respect to claim 9, the combination discloses the information processor according to claim 7, wherein the operational condition switching device variably controls the monitoring time, according to a user's setting (col. 7, lines 32-37 of Usui).

15. With respect to claim 10, the combination discloses the information processor according to claim 1, further comprising:

a switching operation permitting/prohibiting device that permits or prohibits an operation of the operational condition switching device, according to a user's setting (col. 7, lines 31-37 of Usui). When a predetermined period time has lapsed, an operation of the operational condition switching device is permitted (switching from the active mode to the sleep mode). When a predetermined period time has not lapsed, an

operation of the operational condition switching device is prohibited to switch from the active mode to the sleep mode.

16. With respect to claim 11, the combination discloses the information processor according to claim 1, further comprising:

an adjustment permitting/prohibiting device that permits or prohibits an execution of the adjustment function by the control device, according to a user's setting (scheduling table in fig. 21). Based on the table, the system is permitted/prohibited an execution of the adjustment/update.

17. With respect to claim 12, Criss discloses an information processor (fig. 17), comprising:

a control device (processor 40) that calculates various kinds of data and controls the information processor; and

an input/output monitor that works independently of the control device and that switches the control device to a sleep condition or an active condition, according to predetermined conditions (col. 23, lines 46-54 & col. 26, lines 1-25);

wherein the input/output monitor switches the control device from the sleep condition to the active condition when the control device executes a schedule update/adjustment task of the system by receiving necessary data (adjustment information) from an external source (col. 23, lines 46-54 & col. 26, lines 1-25).

Criss, however, does not disclose expressly that the data received from an external source is or can be the data for adjusting the operational condition related to the input/output monitor.

Usui, the same field of endeavor of the updating the information processor, discloses an information processor (EPG system) comprising an adjustment device for adjusting a clock according to a daylight saving time correction data, wherein the correction data is received from an external source (relay base station in col. 17, line 60 – col. 18, line 10).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the method for receiving the daylight saving time correction data from an external source of Usui with the method for updating/adjusting the system with the data received from an external source at a predetermined time of Criss.

The suggestion/motivation for doing so would have been to receive the daylight saving time correction data from an external source and to awake from the sleep mode to exchange the information needed to obtain the correction data (col. 26, lines 23-25 of Criss).

Therefore, it would have been obvious to combine Criss with Usui to obtain the invention as specified in claim 12.

18. With respect to claim 13, arguments analogous to those presented for claims 1 and 2, are applicable.

19. With respect to claim 14, arguments analogous to those presented for claim 4, are applicable.

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20. With respect to claim 15, arguments analogous to those presented for claim 5, are applicable.

21. With respect to claim 16, arguments analogous to those presented for claim 6, are applicable.

22. With respect to claim 17, arguments analogous to those presented for claim 7, are applicable.

23. With respect to claim 18, arguments analogous to those presented for claim 8, are applicable.

24. With respect to claim 19, arguments analogous to those presented for claim 9, are applicable.

25. With respect to claim 20, arguments analogous to those presented for claim 10, are applicable.

26. With respect to claim 21, arguments analogous to those presented for claim 11, are applicable.

27. With respect to claim 22, arguments analogous to those presented for claim 3, are applicable.

28. With respect to claim 23, arguments analogous to those presented for claim 4, are applicable.

29. With respect to claim 24, arguments analogous to those presented for claim 5, are applicable.

30. With respect to claim 25, arguments analogous to those presented for claim 6, are applicable.

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31. With respect to claim 26, arguments analogous to those presented for claim 7, are applicable.

32. With respect to claim 27, arguments analogous to those presented for claim 8, are applicable.

33. With respect to claim 28, arguments analogous to those presented for claim 9, are applicable.

34. With respect to claim 30, arguments analogous to those presented for claim 10, are applicable.

35. With respect to claim 31, arguments analogous to those presented for claims 1 and 2, are applicable. Referring to scheduling table of fig. 21 of Criss for the predetermined operation. Data is transmitted from the user (host) to the recipient (processor in fig. 17) at a predetermined time.

Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination as applied to claims 1 and 12 above, and further in view of Kikinis et al. U.S. Patent No. 5,920,727 (hereinafter Kikinis).

36. With respect to claim 32, the combination discloses the information processor according to claim 1, but it does not disclose expressly that a facsimile apparatus includes the information processor.

Kikinis teaches a facsimile (col. 3, lines 12-21) having a method for adjusting daylight saving time (col. 1, lines 60-62) and the information processor having the sleep mode and the active mode (col. 1, line 65 – col. 2, line 11).

Kikinis and the combination are analogous art because they are from the same field of endeavor that is the information processor having a method for adjusting daylight saving time and a method of switching between the sleep mode and the active mode.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the switching mode taught by the combination into a facsimile apparatus.

The suggestion/motivation for doing so would have been to correctly adjust the daylight saving time in a facsimile apparatus even if the apparatus is in the sleep state.

Therefore, it would have been obvious to combine the three references to obtain the invention as specified in claim 32.

37. With respect to claim 33, arguments analogous to those presented for claim 32, are applicable.

**Conclusion**

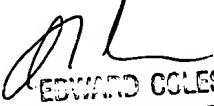
38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S PARK whose telephone number is (703) 305-2448. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csp  
March 16, 2005

Chan S. Park  
Examiner  
Art Unit 2622

  
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